

SP 12412<sup>m</sup>

**From:** Special Permits <PHMSA>  
**Sent:** Thursday, August 28, 2008 3:13 PM  
**To:** Herzog, Kenneth <PHMSA>  
**Subject:** FW: Modification request for SP-12412

DEPT OF TRANSPORTATION  
 DOCKETS

11/25/08 12:53

*Kenny*

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**From:** NATC Mail Account [mailto:mail@natc-inc.com]  
**Sent:** Friday, July 25, 2008 9:44 AM  
**To:** Special Permits <PHMSA>  
**Cc:** LaValle, Diane <PHMSA>; jpgibbons@natc-inc.com  
**Subject:** Modification request for SP-12412

AS shown in the file for this Special Permit, our firm represents several current Parties to SP-12412 and in that capacity I submit this formal request.

Per my discussions with Diane Lavalle (who has previously worked on the terms of this Special Permit (SP)) this request for a modification of SP-12412 is necessary to clarify the issue of residue in the piping and pumps used to offload regulated material under the terms of this SP.

At the present time paragraph C (10) states that **"All hazardous material must be purged from the pump, if equipped, piping and discharge hose prior to re-entering transportation."** This requirement is unworkable since it would require the placement of inert gases cylinders or other hazardous materials on the vehicles for the purposes of purging. Also it established a totally new standard for the removal of "residue" in piping and hoses which under 49 CFR 173.33 (e) (wet lines) is excepted from such action. The specific statement in 173.33(e) is **" This requirement does not apply to a residue which remains after piping is drained."**

As such and to maintain the high standards set forth in the bulk requirements of 49 CFR it is proposed that paragraph C(10) be modified to remove the word "purged" by stating the following:

**"All free flowing hazardous material must be removed from the pump, if equipped, piping and the discharge hoses prior to re-entering transportation. Residue which remains after product draining in these devices is not subject to this requirement as long as the devices are capped and secured."**

It is believed that this modification is higher then the current level of safety since it uses the existing HMR language and adds the capping and securement requirements during transportation.

Thank you for your time and assistance in this matter. Your expeditious action is both necessary to the continued use of this special permit and the economic viability of some companies using these operations.

*Respectfully,*

*JP Gibbons*  
*NATC, Inc.*  
*(609) 426-0555*

**From:** NATC Mail Account [mailto:mail@nadc-inc.com]

**Sent:** Monday, August 11, 2008 3:35 PM

**To:** Herzog, Kenneth <PHMSA>

**Subject:** DOT-SP 12412 Modification

Please be advised that the client names which are a party to DOT SP-12412 are Brenntag Southwest and Brenntag Pacific.

I trust this information will assist you in your modification of that permit.

Any questions feel free to call me at 609-426-0555 and use this E-mail address to reply.

Thank You.

*Respectfully,*

*JP Gibbons*

*NATC, Inc.*

*(609) 426-0555*

**From:** Burger, Donald <PHMSA>  
**Sent:** Wednesday, February 18, 2009 8:58 AM  
**To:** Burger, Donald <PHMSA>  
**Subject:** Non-Concurrence on Modification of DOT-SP 12412

I do not concur that the SP should be modified to allow the hoses and pumps not to be purged of hazardous materials prior to entering into transportation.

**Don Burger**  
***Chief Special Permits and Approvals***  
***"Doing the Right Things Right"***  
Office of Hazardous Materials Safety  
Pipeline and Hazardous Materials Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE East Building  
Washington, DC 20590  
202-366-4535 (Office)  
202-280-9908 - (Emergency)

**From:** Burger, Donald <PHMSA>  
**Sent:** Monday, November 17, 2008 9:46 AM  
**To:** Billings, Delmer <PHMSA>; LaValle, Diane <PHMSA>  
**Cc:** Moore, Benjamin <PHMSA>; Hochman, Charles <PHMSA>  
**Subject:** RE: DOT-SP 12412 (7th Rev.) - Brenntag

Del,

I don't like this since it has been something that we have stood firm upon since the issuance of the SP. I would rather deny it than approve it, especially since we made a company like Transfer Flow jump through hoops to get a tiny amount of residual liquid authorized in their SP.

Comparing them to wet lines is not such a good idea, since I don't believe that many of us consider wet lines a good idea either.

Don B

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**From:** Hochman, Charles <PHMSA>  
**Sent:** Wednesday, November 05, 2008 8:17 AM  
**To:** LaValle, Diane <PHMSA>  
**Cc:** Burger, Donald <PHMSA>; Billings, Delmer <PHMSA>; Hochman, Charles <PHMSA>; Moore, Benjamin <PHMSA>  
**Subject:** DOT-SP 12412 (7th Rev.) - Brenntag

Signed in HMIS. Special permit was modified to allow residue to remain in pumps, piping and hoses after product draining under specific conditions similar to those allowed for cargo tank motor vehicles.